

SERVICE OF COURT PAPERS JUVENILE CASES ONLY

2

**YOU KNOW WHERE THE
PARENT, GUARDIAN, OR CUSTODIAN
LIVES IN THE STATE OF ARIZONA**

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April 19, 2002
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JV2ac - 5500



SELF SERVICE CENTER

SERVICE OF COURT PAPERS--JUVENILE CASES ONLY

You Know Where the Parent, Guardian, or Custodian Lives in the State of Arizona

How to assemble these documents

This packet contains general information and/or court forms about serving court papers when you know where the parent, guardian, or custodian lives in the state of Arizona. Be sure the documents are in the following order:

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SERVICE OF COURT PAPERS YOU KNOW WHERE THE PARENT, GUARDIAN, OR CUSTODIAN LIVES IN THE STATE OF ARIZONA

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You have filed a Petition or Complaint in the Juvenile Court, or other court document that is required to be served for some matter in court, and now you want to have the other party served with the court papers, AND
- ✓ One of the following applies:
 - ✓ The other party will accept service of the court papers, OR
 - ✓ The other party will not accept the court papers. However, the other party lives in the State of Arizona, AND you know where the other party lives OR you can find out where the other party lives so he or she can be served with the court papers.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

SELF-SERVICE CENTER

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

SERVING THE OTHER PARTY:

- ◆ After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party (the parents, the guardian, the custodian, and any other person whose presence in the action is required.).
- ◆ **Service** means giving legal notice to the other party that you have filed court papers. You must provide proof of service to the Court.
- ◆ This packet explains the steps you need to take to serve the other party and what forms you must use.
- ◆ By completing the steps for service, you tell the Court that the other party has received a copy of the court papers.

METHODS OF SERVICE: Read the choices below to make sure that you are using the correct service packet. Each packet contains instructions and the forms you may need. Select the method of service that works best for you.

1. You Know Where the Other Party Lives in the State of Arizona. (Service must take place at least five (5) days before the date of the hearing.)

- A. Service by Acceptance.** This method requires you to give or mail the court papers to the other party and include an Acceptance of Service form. The other party must sign the Acceptance of Service form in front of a Notary Public and return it to you. The other party cannot sign the Acceptance of Service until after you have filed the court papers with the Court. The other party's signature on the Acceptance of Service does not mean that he or she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server. Service is complete at the time the other party signs the Acceptance of Service. If you choose this method of service, use the Acceptance of Service forms.

WARNING: Do not use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him or her to accept service, use one of the methods of service described below.

- B. Service by Registered Process Server.** This method requires you to hire and pay a registered process server to serve the other party with Court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the Service by Process Server form.

- C. Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the Service by Sheriff form.
- D. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

2. You Know Where the Other Party Lives in the United States but not in the State of Arizona. (If the other party lives outside the United States, you should see a lawyer to find out which method of service will work best for you. Service must take place at least five (5) days before the date of the hearing.)

- A. Service by Acceptance.** This method requires you to give or mail the court papers to the other party and include an Acceptance of Service form. The other party must sign the Acceptance of Service form in front of a Notary Public and return it to you. The other party cannot sign the Acceptance of Service until after you have filed the court papers with the Court. The other party's signature on the Acceptance of Service does not mean that he or she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server. Service is complete at the time the other party signs the Acceptance of Service. If you choose this method of service, use the Acceptance of Service forms.

WARNING: Do not use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him or her to accept service, use one of the methods of service described below.

- B. Service by Registered Mail.** Use this method of service only if the other party lives outside the State of Arizona and you know the address. This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope postage prepaid to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called Certified Mail, Restricted Delivery by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that copies of the petition and notice of hearing were sent to the person being served; 2) that the copies were received by the person to be served as evidenced by the attached green receipt; 3) that the original green receipt is attached; and 4) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

- C. Service by Registered Process Server.** This method requires you to hire and pay a registered process server to serve the other party with Court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow

Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the Service by Process Server form.

D. Service by Sheriff. This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the Service by Sheriff form.

E. Other Methods of Service. There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. You Cannot Find the Other Party. (Service is completed on the date of publication. This means that the Notice must be published at least five (5) days prior to the hearing.)

A. Service by Publication. You may use this method only if you do not know, and cannot find the other party. Service by publication is your "last resort." It is used only if you do not have a current address for the other party and have tried to find the other party or after you have tried to serve the other party by personal service or registered mail and there are reasonable grounds to believe that the person is concealing him/herself to avoid service.

Service by Publication can be expensive and may delay your court case. This method requires that a notice be published once (1 time) in a newspaper in Maricopa County (in the county where the action is pending.) The Notice must identify the child(ren) involved and the person to be served, and must contain a statement of the issues to be determined by the court and the consequence for failure to appear. If the address of the person to be served is known, you must mail a copy of the Petition and Notice of Hearing, postage prepaid, to the person at that address on or before the date of publication. To use this method, you must fill out several forms explaining to the Court what you have done to try to find the other party. If you choose this method of service, use the Service by Publication form.

TIPS FOR FINDING THE OTHER PARTY: Before using the Service by Publication method, you must try to find the other party. If possible, you should talk to the other party's friends, co-workers, family, or anyone you think may have a current address. The Court requires you to file an Affidavit or Statement Under Oath telling the Court that you have done everything you possibly could to find the other party. Other companies charge a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing ☐ (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

IN THE SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

IN THE MATTER OF: _____

Case Number: _____

ACCEPTANCE OF SERVICE

(Name(s) of Child(ren))

THE PERSON WHO SIGNED BELOW MAKES THESE STATEMENTS UNDER OATH:

- COURT PAPERS:** I acknowledge that I have voluntarily accepted a copy of the following legal papers:
(Check the boxes that apply under your type of case. If your case is not one of the cases described below, list the documents you received from the other party under the "other" category. You must receive all of the documents listed under your type of case before the case can proceed. Do not check the box unless you received the document.)
JUVENILE DEPENDENCY
☐ Petition
☐ Notice of Hearing
OTHER:

- ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process (service by a process server or sheriff), and understand by accepting these papers, it is the same as if I were personally served under Arizona law.
- ATTEND THE HEARING.** I understand that if I do not attend the hearing that I may lose my right to be heard in this case. I understand that failure to appear at the hearing could result in the Court giving the other party any and all things requested in his or her legal papers.
- MILITARY SERVICE.** I am not in the military forces of the United States of America in any capacity or I waive the protection of the Soldiers and Sailors Relief Act.

Signature of Person Accepting Service and
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____

SUBSCRIBED AND SWORN to before me today _____ by _____

Notary Commission Expires: _____
Notary Public _____

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HOW TO SERVE THE OTHER PARTY AFTER YOU HAVE FILED YOUR COURT PAPERS USING THE ACCEPTANCE OF SERVICE METHOD.

STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE OF THE COURT PAPERS AFTER YOU HAVE FILED THE COURT PAPERS.

- You can ask the other party to accept service by talking to him or her, calling him or her, or sending him or her the letter which is in this packet.
- **WARNING:** Do not do this if you are the victim of domestic violence or believe the other party will hurt you, take your money, or take your children. If you have questions about whether you should use this method, you should see a lawyer for help.
- **The other party cannot sign the Acceptance of Service until after you have filed the court papers.**

STEP 2: IF THE OTHER PARTY AGREES TO ACCEPT SERVICE, YOU HAVE THREE OPTIONS:

- A. GO:** You and the other party can go to the filing counter at the courthouse where you filed the court papers. Bring the original Acceptance of Service, plus two copies (one for you and one for the other party.) The other party must now sign the original Acceptance of Service in front of the Clerk at the filing counter. The Clerk will notarize the other person's signature for FREE. The other party must have a valid picture I.D. with him or her for the Notary Public to sign the Acceptance of Service.

OR

- B. MEET:** Arrange a meeting place and time with the other party before a Notary Public. Bring the original Acceptance of Service, plus two copies (one for you and one for the other party). You should also bring the court papers with you in case the other party or the Notary Public wants to see the court papers. The other party must have a valid picture I.D. with him or her for the Notary Public to sign the Acceptance of Service. There is usually a small cost to use a Notary Public.

OR

- C. MAIL:** Mail a copy of the court papers to the other party with the original Acceptance of Service. Ask the other party to sign the Acceptance of Service and tell the other party why you have asked him or her to sign the Acceptance of Service. You may use the form letter in this packet to tell the other party why you have asked him or her to sign the Acceptance of Service.

AND

- SIGN:** The other party must sign the Original Acceptance of Service and write in the date he or she signed on the Acceptance of Service. The other party must sign the Original Acceptance of Service in front of a Notary Public. The other party must have a valid picture I.D. with him or her for the Notary Public to sign the Acceptance of Service. There is usually a small cost to use a Notary Public. The other party should then send you the signed and notarized Original Acceptance of Service. You should write the date the other party signed the Acceptance of Service on your copy.

- NOTE:** If the other party does not send back the Acceptance of Service, ask him or her again to send it back. If other party still does not send it back, then you have to serve the other party by one of the other service methods.

STEP 3: FILE THE SIGNED AND NOTARIZED ACCEPTANCE OF SERVICE AT THE COURT:

- **GO** to the Clerk at the Court where you filed the court papers and file the original Acceptance of Service signed by the other party and notarized.
- **GIVE** the Clerk the original ACCEPTANCE OF SERVICE signed by the other party in front of a notary public
- The Acceptance of Service should be signed by the other party at least five (5) days before the court hearing.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(OTHER PARTY'S NAME)

(ADDRESS)

(CITY/STATE/ZIP)

Re: Acceptance of Court Papers

Dear _____
(Other Party's Name)

I have filed court papers for (list title of petition or complaint here)_____.

Enclosed is a copy of the following court papers for you: (list the names of all of the court papers here)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

I have also enclosed an Acceptance of Service which I would like you to sign in front of a Notary Public and return to me in the self-addressed stamped envelope to save the cost of hiring a process server or the sheriff to serve you with the court papers.

If you choose to sign the Acceptance of Service, you still have the right to contest and disagree with the terms of the court case and to go to the court hearing.

Sincerely,

(YOUR SIGNATURE)
Enclosures

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HOW TO SERVE COURT PAPERS BY REGISTERED PROCESS SERVER

- STEP 1: FIND.** You must hire a Registered Process Server. To find a Registered Process Server look in the Yellow Pages under "Process Servers."
- Notice:** There is a filing fee for all Petitions or Complaints, and Responses or Answers, and there are Service Fees. You may request a Deferral of the filing fees (and the Sheriff's Service Fees if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.
- STEP 2: GO.** Go to the Registered Process Server's Office. **TAKE** with you the following things:
- ✓ Other party's set of copies of the court papers (Petition and Notice of Hearing).
 - ✓ A picture or a written physical description of the other party.
 - ✓ A written description of the automobile that the other party drives.
 - ✓ The address where the other party can be served.
 - ✓ The cash you need to pay for this service. (You can call ahead of time to ask the Process Server how much money it will cost.)
- STEP 3: WAIT.** The Process Server will mail you a copy of the Affidavit of Service after he or she serves the other party with the papers. **IMPORTANT: If the Process Server does not file an Affidavit of Service with the Clerk of the Court, you must get the Affidavit of Service from the Process Server and file it.**
- STEP 4: GO:** Go the Court Hearing. Bring of copy of the Petition, Notice of Hearing, and Affidavit of Service with you.

DO NOT BRING CHILDREN TO COURT.

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PROCEDURES: HOW TO SERVE COURT PAPERS BY SHERIFF

STEP 1: GO.

Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you or send a copy of the court papers to the Sheriff's Office if the other party does not live in the same county as you do. The Sheriff's Office in Maricopa County is located in the Superior Court of Arizona in Maricopa County, Central Court Building in downtown Phoenix.

The Sheriff's Office - East of the Clerk's office
201 West Jefferson Street
Central Court Building
Phoenix, Arizona 85003
(602) 256-1835

Notice: There is a filing fee for all Petitions, Complaints, Answers and Responses and there are Service Fees. You may request a Deferral of the filing fees (and the Sheriff's Service Fees if you intend to use the Sheriff's Office in Maricopa County for service) at the time you file your papers with the Clerk of the Court.

STEP 2: WRITE.

Fill out the attached sheet for identifying the other party and bring:

- Other party's set of copies of the court papers (Petition and Notice of Hearing).
- A picture or a written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- Certified Order Waiving/Deferring Fees, or a \$200.00 deposit fee - Cash/Money Order.

STEP 3: WAIT.

The Sheriff will mail you a copy of the Affidavit of Service after he or she serves the other party with the papers. (The Sheriff may also file these papers instead of sending them back to you.)

STEP 4: GO.

Go to your court hearing. Bring a copy of the Petition, Notice of Hearing, and Affidavit of Service from the Sheriff's Office.

DO NOT BRING CHILDREN TO COURT.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(COUNTY) _____ County Sheriff

(ADDRESS)

(CITY/STATE/ZIP)

NAME OF PERSON TO BE SERVED _____
COURT CASE NUMBER: _____

I have enclosed a copy of the Petition and Notice of Hearing. Please serve these papers on the other party.
His or her current address and physical description are:

(OTHER PARTY'S NAME)

(HOME ADDRESS)

(HOME CITY/STATE/ZIP)

(WORK ADDRESS)

(WORK CITY/STATE, ZIP)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized Affidavit of Service to my address at your earliest convenience. The Court requires that each document served be named in the Affidavit of Service.

☐ I also enclose a deposit for \$200.00. I understand there is a \$16.00 service fee, \$2.40 per mile, one way, for each attempt at service travel fee, and a \$8.00 notary fee. I understand the difference between my deposit and the fees accrued for service will be billed or returned to me. **OR,**

☐ I also enclose a certified copy of the Order for Deferral of fees for Service of Process.

Thank you for your cooperation in this matter.

(YOUR SIGNATURE)

Enclosures